IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In Re:	§	
CUSTOM ONE HOMES, LLC,	§	
Debtor,	§	
WOODMAN INSULATION CO., INC.	§	
Movant,	§	Chapter 7
vs.	§	Bankruptcy Case No. 07-71464-MHM
CUSTOM ONE HOMES, LLC, Debtors, and BARBARA B. STALZER, Chapter 7 Trustee,	§	Judge Murphy
Respondents.	§	

MOTION TO LIFT THE AUTOMATIC STAY

COMES NOW, Woodman Insulation Co., Inc., (hereinafter referred to as "Movant"), and for its Motion to Lift the Automatic Stay shows the following:

1.

Respondents herein are the Debtors and the Trustee in the above-captioned Chapter 7 bankruptcy case.

2.

This Court has jurisdiction over this matter pursuant 28 U.S.C. § 1334. This is a core proceeding pursuant to 11 U.S.C. § 157.

3.

On July 20, 2007 Debtor filed a voluntary petition seeking relief under Chapter 7 of the Bankruptcy Code.

4.

Movant had filed an action in the State Court of Cobb County, being Woodman Insulation Co., Inc. vs. Custom One Homes Realty, LLC and Mark Beno, Guarantor, Civil Action File No. 2006A6322-3 on or about June 9, 2006. The cause of action should be against Custom One Homes, LLC, and Movant desires to continue the litigation as to said entity, which is a lawsuit to perfect a materialman’s lien and against the guarantor, Mark Beno.

5.

Cause exists sufficient for purposes of 11 U.S.C. § 362(d)(1) to authorize the Court to grant relief to Movant from the automatic stay provided by 11 U.S.C. § 362(a).

WHEREFORE, Movant prays that the automatic stay be lifted as to Movant to permit the Movant to continue its litigation against Debtor Custom One Homes, LLC, and for such other and further relief as the Court deems just and proper.

S/Scott M. Stevens__
Scott M. Stevens
Attorney for Movant
Georgia Bar No. 680845

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4385 Kimball Bridge Road, Suite 100
Alpharetta, GA 30022
(678)566-6800

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	§	07-71464-MHM
CUSTOM ONE HOMES, LLC,	§	Judge Murphy
Debtors, and BARBARA B.	§	
STALZER, Chapter 7	§	
Trustee,	§	
	§	
Respondents.	§	
	§	
	§	
	§	
	§	
	§	

NOTICE OF ASSIGNMENT OF HEARING

NOTICE IS HEREBY GIVEN THAT a Motion for Relief from the Automatic Stay has been filed in the above-styled case.

A HEARING will be held on the 5th day of February, 2008 at 2:15 p.m., on the in Courtroom 1204, United States Courthouse, 75 Spring Street, Atlanta, Georgia 30303. (If Stay of Action is against Codebtor, 20-day response time - 11 U.S.C. § 1301(d).)

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing Motion to Lift Stay and Notice of Assignment of Hearing on the parties listed below by depositing a copy of same in the United States Mail with adequate postage thereon, addressed to:

G. Frank Nason, IV
Lamberth, Cifelli, Stokes, Ellis, and Nason
3343 Peachtree Road, Suite 550
Atlanta, Georgia 30326

Custom One Homes, LLC
307 Willow Glen Drive
Marietta, Georgia 30068

Barbara B. Stalzer
Baker, Church & Stalzer
Suite N-4
Roswell, Georgia 30076

United States Trustee
Suite 362
Richard B. Russell Building
75 Spring Street, S.W.
Atlanta, Georgia 30303

This 17th day of December 2007.

S/Scott M. Stevens______
Scott M. Stevens